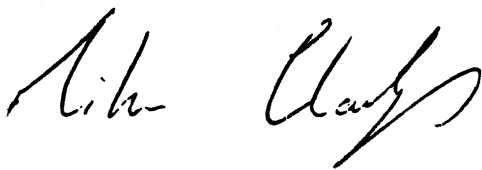


## **Development Control Committee**

**Councillors:** J. I. Agnew, R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark, B. Cook, G. Coulson, R. Ellis, B. Gray, P. D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. J. Rothwell, A. Shield, E. Turner, A. Watson O.B.E, T. Westgarth, J. Williams, R. Young.

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 10th July 2008 at 2.00 p.m. for consideration of the undernoted agenda.



**MIKE CLARK**

**Chief Executive Officer**

## **Agenda**

### **1. DECLARATIONS OF INTEREST**

To receive any disclosure by Members of personal interests in matters on the agenda, identify the item on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.

### **2. MINUTES**

To approve the minutes of this committee's meeting held on 19th June 2008 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

**3. PLANNING APPLICATIONS**

To consider the report of the Director of Environmental Services (Herewith 'B')

Attached Documents:

[PLANNING APPLICATIONS \(B\)](#)

Agenda prepared by Lucy Stephenson Democratic Services 01207 218249

Email: [l.stephenson@derwentside.gov.uk](mailto:l.stephenson@derwentside.gov.uk)

Date: 30th June 2008

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of the Development Control Committee held in the Council Chamber on Thursday 19<sup>th</sup> June 2008 at 2.00 p.m.

### **Present**

Councillor J.I. Agnew

Councillors R. Alderson, A. Atkinson, M. Campbell, H. Christer, B. Cook, G. Coulson, R. Ellis, P.D. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. Rothwell, A. Watson, J. Williams, R. Young.

### **Apologies**

Apologies for absence were submitted on behalf of Councillors T. Clark, W. Gray, A. Shield E. Turner and T. Westgarth.

### **In Attendance**

Councillors D. Barnett, O. Temple, S. Mellor and W. Stelling.

## **6. DECLARATIONS OF INTEREST**

In accordance with the provisions of Section 94 of the Local Government Act 1972: and Standing Order No.33, Councillors A. Watson and O. Milburn declared an interest in application 08/0329.

## **7. MINUTES**

**RESOLVED:** that the minutes of the meeting held on 9<sup>th</sup> June 2008 be approved as a correct record, with the inclusion of Councillor J. Williams as in attendance.

## **8. PLANNING APPLICATIONS**

### **(1) Public Speaking Applications**

**Councillor A. Watson and Councillor O. Milburn declared an interest in the following application left the Chamber and took no part in the discussion or voting thereon.**

08/0329 DERWENTSIDE CVS & VB

Proposed application to remove Condition 3 and Condition 7 of Planning Permission reference 1/2007/0901 in order to propose a new access. Glenroyd House, Medomsley Road, Consett, County Durham.

The Chair welcomed to the meeting Mr Clarke who was in attendance to speak against the application and Mr Cliff Laws who was in attendance to speak in support of the application.

The Development Control Manager presented the report which recommended approval of the application. She advised that Rosemount Care Home had withdrawn their consent to take the access to Glenroyd House through the existing Rosemount access, and the previous approval could no longer be taken up.

Due to this the applicant had submitted a new application to remove Conditions 3 and 7 of the planning permission and create a new access point directly adjacent to the existing Rosemount access; the two would then be separated by a boundary fence.

She further advised that in Rosemount's letter of objection they had also raised concerns regarding noise and disturbance to residents of the care home and over the opening hours. The applicant had further confirmed by letter that the hours of opening would be 08:30 – 18:00 Monday – Saturday and that there had been an error on the application stating that the business would be open 24 hours a day.

In addition to this letter two further letters of objection had been received from residents the concerns of which were as follows:

- Creation of second access would compromise highway and pedestrian safety;
- Cause disturbance to neighbouring Care Home;
- Detrimental to the safety of children at the nearby primary school;
- Creation of 12 car parking spaces would not be sufficient – shortfall in spaces will cause congestion;
- Police regularly have to attend to areas on Medomlsey Road where double parking has occurred;
- The application seeks permission for a fundamental change and should be subject to a fresh application;
- Concerns of neighbouring child minder who fears for the safety of children in her care.

In addition to this a letter of objection had been received from Ward Councillor Mary Westgarth who made the following points in respect of the application:

- Major concerns over access arrangements and conflicts with TR2 of the Local Plan;
- DCC Highways department have already blocked off a number of entrances on Medomsley Road for Highway safety reasons e.g. Green Street;
- Mature trees have been felled and concerns over the impact this will have on the wildlife;

- Detrimental impact on the residents and visitors of Rosemount Care Home.

The Development Control Manager advised that comments received from the Highways Officer suggested that there were some concerns over the shared access as this could lead to conflicting movements and a shared access was preferable. However the Highways Officer did note that the traffic movements would be fairly low especially from Rosemount and although the proposal is not ideal it far outweighs the option of taking access from Larch Street.

In conclusion she advised that members must consider the impact the physical separation of the entrance / exit would have and the visual impact the loss of trees would have on the amenity.

MR CLARKE: Speaking Against the Application

Mr Clarke made the following comments on behalf of himself and the residents of Medomsley Road:

- Previous application rejected due to dangerous access, this proposal does not better the last;
- Will create highway safety issues as entrance will be very close to a blind corner,
- Detrimental impact on the safety of pedestrians and school children;
- Will cause congestion with deliveries being made to businesses on Medomsley Road;
- Extension of opening times should be subject to a fresh application.

MR CLIFF LAWS: Speaking in Support of the Application.

Mr Laws advised that the reason for an application being submitted to vary and remove conditions to previous permission was due to the Trustees of Rosemount not agreeing to the shared use of Rosemount access, he advised that to create a second access point off Medomsley Road would be the only other option to gain access to the site without having to use Larch Terrace. He further added that traffic would be minimal and to egress onto the main road would be a fairly easy task. He commented that there were far dangerous entrance and exit points onto Medomsley Road. In conclusion he advised that there was no material change in usage and the proposal also included more car parking to the front of the building than the previously approved permission.

CLLR O. TEMPLE: Speaking Against the Application.

Ward Councillor O. Temple made the following comments in respect of the application.

- Reference to previous 2 applications made by the applicant and another application for change of use on Medomsley Road both of which were refused; Appeal being dismissed by the Planning Inspector;

- Shared access was acceptable and was approved by the committee on that basis, this application is not a minor revision of the application but a major change as it affects pedestrians and traffic;
- Same Highway department now have a different opinion on the application to that of the first submission and this should be questioned;
- Members should put themselves in the position of a pedestrian and ask themselves whether the creation of a new access point to Glenroyd House makes for a safe walk to and from Consett.

In response to comments made by all speakers the Development Control Manager reminded members that the committee had already agreed to the principle of traffic egressing onto Medomsley Road through approval of the previous permission. With regard to the removal of trees she advised that some felling had taken place since the permission was granted, however these trees were not protected and the removal of these could not have been prohibited. In conclusion she advised that there had been no change in the opening hours of the centre and the applicant had indicated that an error had been made on the application form stating it would be open 24 hours.

Councillor Rothwell added that in her knowledge Nursing Homes had many visitors on a daily basis from family to professional staff and emergency services, in which case she agreed with the comments of the ward Councillors that an additional access point would be unacceptable in terms of highway safety.

Lengthy discussion then took place of the suitability of the creation of a further entrance / exit off Medomsley Road and the consensus of members was that this was unacceptable.

Councillor Lavin questioned whether the alteration to the access would in the future give rise to an increased use of the building and if so this could worsen the situation on Medomsley Road. In response the Director of Environmental Services advised that members should be reminded that the principle of traffic accessing the building had already been agreed and attention should be directed to the correct points of the application.

Councillor Campbell added that in his opinion members should not lose sight of the fact that the entrance would be encroaching closer to the bend and in turn would have a negative impact on highway safety.

Councillor Williams added that he felt it was highly unsafe for children to have to cross two entrances adjacent to one another.

Councillor Rothwell put forward a motion to the committee that the Application should be refused on the grounds that a further access point off Medomsley Road would be detrimental to highway safety, especially for pedestrians and school children.

Councillor Campbell seconded the motion.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0329 be refused on the grounds that:-  
The creation of an additional access on to Medomsley Road would be detrimental to highway and pedestrian safety contrary to Policy TR2 of the Local Plan, in particular safety of children going to and from the nearby primary schools.

08/0371 O2 UK Ltd

Prior approval application for the erection of one 12.5 metre high O2 UK Ltd Base Station. Land to the south west of 2 Humber Hill, East Stanley, County Durham.

The Chair welcomed to the meeting Cllr Sally Beth Marshall who was in attendance to speak on behalf of Stanley Town Council who were against the application.

The Development Control Manager presented the report which recommended approval of the application. She advised that the Council had 56 days in which to grant or refuse planning permission.

She advised that a letter had been received from Stanley Town Council Planning Sub-Committee and the comments of which were as follows:

- Application should be deferred on the grounds of the fire damage to the communications tower on Front Street, Stanley;
- Relocation of tower mast should be priority before any new masts are considered;
- Site at Humberhill Stanley would be the preferred site and have a less overbearing impact on residents of surrounding areas.

The Development Control Manager advised that a letter had also been received from Councillor Susan Mellor and her concerns were that the site was inappropriate for its use and a more suitable location would be Humberhill. She also suggested that mast sharing should be looked at and more consultation should be carried out.

In addition to these objections, 8 letters of concern had been received from residents and their concerns were as follows:

- Site inappropriate for use;
- Health & Safety risks of siting mast near seating area;
- Detrimental impact on children and their health;
- Mast sharing should be considered;
- Traffic hazard as the mast would cause distraction to drivers and cause a reduction in visibility at the junction;

- Concerns over noise disturbance from the mast and base station and this could devalue property prices;
- May interfere with TV reception and would argue that a good O2 signal can already be obtained in the area;
- Suggest site of woods at bottom on bank would be a more suitable location and well screened;
- Question methods of consultation.

The Development Control Manager advised that Officers from the Council and O2 had taken the opportunity to meet and discuss the proposals and the possibility of relocation to an alternative site. She advised that O2 had indicated that it would not be possible to locate the mast at Humberhill due to construction problems and Health & Safety issues. They had further advised that works have to be within the adopted highway and if the base cabin was placed on this incline the doors would have to open onto the pavement encroaching into public space. O2 had further advised that Ward Councillors and Local MPs had been consulted last year however no responses had been received.

CLLR S. MARSHALL: Speaking Against the Application.

She advised that she was in attendance to ensure that the comments of Stanley Town Council's planning sub-committee were taken into consideration and to fully support those comments.

CLLR S. MELLOR: Speaking Against the Application.

Councillor S. Mellor for Stanley Hall ward made the following comments in respect of the application:

- Siting inappropriate, near old people's bungalows and a well used seating area;
- Reference to paragraph 9 of the report which outlines that every opportunity should be taken for mast sharing, and although O2 suggest that there are no suitable masts around for this purpose she would question what types of mast is required;
- The mast and cabin will not blend with the existing street furniture;
- Information gained that tower on Front Street, Stanley will have to come down therefore O2 should be asked to wait to see if mast sharing would be possible with the current users of the tower.

The Development Control Manager advised that to consider mast sharing the surrounding street works columns were not suitable for this purpose.

Councillor Milburn asked if it would be possible to reject the application now pending further information on the situation with the communications mast at Front Street, Stanley.



The Director of Environmental Services advised that he had recently been on site at Front Street, Stanley and had been advised that the only communications companies using the tower were Vodafone and 3G, not O2.

Councillor Christer questioned whether the mast at Craghead could be shared as it was in close proximity to that of the one proposed.

In response the Development Control Manager advised that this site was not listed in the documentation from O2 however if members were minded to refuse the application they could do so on the grounds that insufficient evidence was provided on mast sharing.

Councillor Pattinson made reference to the height of the mast, he commented that this would not blend with the street furniture. He went on to address paragraph 7 of the report which indicated that a British Telecoms cabinet was located in the vicinity however he was unable to locate it on inspection. He also questioned whether the siting of the base cabin would interfere with drainage. He went on to make reference to paragraph 10 of the report which stated that '*due to technical constraints and build reasons these sites have been discounted*'. He asked if confirmation could be given as to what these constraints were and which other areas had been discounted and for what reasons.

In his opinion he concluded that there were alternate sites and therefore put a motion forward that the application should be refused on the grounds that the siting of the mast and cabin was inappropriate and insufficient consideration was given to mast sharing.

Councillor Christer seconded this motion.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0371 be refused on the grounds that: In the opinion of the Local Planning Authority the positioning of the mast as proposed would be inappropriate and that insufficient consideration has been given to alternative sites. The proposal is considered therefore to be contrary to Policies GDP1 and CF10 of the Derwentside District Local Plan.

## **9. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** on the motion of Councillor A. Watson seconded by Councillor P. Hughes that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Act (as amended).

## **10. ENFORCEMENT**

06/Lan/00031 Land at Manor House Farm. Durham Road, Lanchester.

The Development Control Manager presented a report (copies circulated) which invited the committee to consider a matter in relation to partial compliance with an Amenity Notice issued by the Council on 7<sup>th</sup> May 2007.

Following consideration of the detailed comments of the Development Control Manager it was

**RESOLVED:** that members agree to withdraw criminal proceedings on the proviso that removal of the additionally agreed 23 items takes place by Tuesday 22<sup>nd</sup> July when a further inspection of the land will take place.

08/00031 Extension to rear of 6, Lapwing Court, Crookgate, Burnopfield.

The Development Control Manager presented a report (copies circulated) which invited the committee to consider a matter in relation to a breach of planning control. Since the previous committee decision remedial work had been carried out and Enforcement Action was not now required.

Following consideration of the detailed comments of the Development Control Manager it was

**RESOLVED:** that the report be noted.

### **Conclusion of meeting**

The meeting closed at 3.10 p.m.

**Chair.**

**DERWENTSIDE DISTRICT COUNCIL**  
**DEVELOPMENT CONTROL COMMITTEE**

**10<sup>th</sup> July 2007**

**REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES**  
**PLANNING APPLICATIONS AND ASSOCIATED MATTERS**

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**Recommendation For Refusal**

08/0322	Mr S Singh	Change of Use to fish and chip shop, 74-76 Wear Road, Stanley	<b>Ward</b> Stanley Hall	<b>Page</b> 2
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08/0319	Mr A Jones	Provision of field gate vehicular access to woodland area, land to the west of 55 Lintzford Road, Hamsterley Mill	<b>Ward</b> Ebchester & Medomsley	<b>Page</b> 8
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**Recommendation For Approval**

08/0377	Mr McMahon	Conservatory to rear of 118 Westfields, Stanley	<b>Ward</b> South Moor	<b>Page</b> 17
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08/0252	Mrs J Moody	Demolish existing surgery and erection of four houses and conversion of pharmacy to one apartment, 10A & 10B Queens Road, Blackhill	<b>Ward</b> Blackhill	<b>Page</b> 23
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## RECOMMENDATION FOR REFUSAL

08/0322	29/04/08
Mr S Singh	74-76 Wear Road, Stanley
Change of Use to fish and chip shop	Stanley Hall

### The Application

1. This application seeks Permission for the Change of Use of 74-76 Wear Road, Stanley from a Newsagents (A1) to a Fish and Chip Shop (A5) of the Use Classes Order. The application originally included a Restaurant (A3) but this has been removed from the application.
2. It is proposed that the takeaway would have opening hours from 11am to 11pm Monday to Saturday, and 12pm to 10pm on Sundays. Parking for four vehicles would be provided to the front of the property.

### History

3. Planning Permission was sought for the Change of Use of the premises from a Shop (A1) to Chinese Takeaway (A3) but was refused in 1981 (reference 1/1981/0775/DM).
4. Planning Permission was granted for the Change of Use of a garage area to Hairdressers / Beauty Saloon in 2006 (reference 1/2006/0401/DM).
5. Planning Permission was granted for the Change of Use of part of ground floor from general retail (A1) to Tanning / Beauty Saloon (Sui Generis) in 2007 (reference 1/2007/0639/DM).

### Policy

6. The following Policies of the adopted local plan are relevant in determining this application:

CO12	Hot food take-aways and cafes
GDP1	GDP1 - General Development Principles
TR02	Development and highway safety

### Consultations

7. County Highways Development Control Officer – while noting the receipt of objections based on car parking issues, he does not consider that a

strong case could be made to sustain a highways refusal of the amended proposal. This is after taking into account the level of vehicular activity theoretically arising from its current general retail use (A1). Consequently the County Engineer has offered no objections.

8. Environmental Health – have indicated:
  - a) There would need to be a suitable means of extract ventilation fitted in order to carry cooking smells and fume to atmosphere. This would probably require an external flue discharging above eaves / ridge level, which in turn would need Planning approval.
  - b) Section 20 of the Local Government Miscellaneous Provisions Act 1976 requires that for premises where the sale of food and drink are to be consumed on the premises, there must be provided satisfactory sanitary provision for members of the public. This application has no such provision.
  - c) There appears to be no sanitary provision for staff working in the premises.
9. Neighbours have been consulted and a site notice posted. A total of 13 letters of objection have been received regarding the proposal. The objections can be summarised as follows:
  - Attraction of youths and anti-social behaviour (once linked to alcohol licence) but may reappear from this change of use, particularly at night time;
  - Difficulty parking outside of people's own properties and the shop due to traffic using current newsagents or proposed takeaway, with potential problems with highways safety;
  - Rubbish will be strewn across the street and properties in the locality;
  - Cooking and waste smells from the proposed business will affect neighbouring properties;
  - Restaurant / takeaway having people to and from the premises until early hours;
  - Two other Fish and Chip Takeaways in the locality;
  - Lower nearby residential property prices.

#### Officer Assessment

10. A previous application for a Change of Use in 1981 to a Chinese Takeaway was refused on the grounds that:

“The development is likely to give rise to cooking smells and noise and disturbance, adversely affecting the amenities of nearby dwellings”.

Whilst it can be argued that technologies have developed since that time to potentially allow the impact of cooking smells within the locality to be reduced, the remaining impacts have not undergone such change in the intervening years and would have an impact upon the immediate,

predominantly residential area.

11. The application site lies on Wear Road in Stanley, within a residential area. Policy CO12 states that “Hot Food uses are considered to be unacceptable in premises which are both located amidst dwellings and are isolated from other non-residential uses”. The proposal is located away from the commercial centre for Stanley, well within a predominately residential area and as such is contrary to Policy CO12.
12. Objectors have stressed that parking in and around the premises at this time is already a strain on this immediate area of Wear Road, particularly to properties whose driveways have been extended down to the main road and who have problems with cars parking in and around the current newsagents and beauty saloon. The Durham County Highways office has raised no objection, advising that the Change of Use to a take-away would have no greater overall impact than that of the current newsagent use. The four parking spaces provided in front of the premises by the applicant, coupled with no objection from the highways officer keeps the proposal in line with policy TR2.
13. Parking is an issue within the locality but there are measures in place (i.e. parking restrictions in the form of double yellow lines) to counter this problem. Therefore any further issues about potential customers etc. not complying with the waiting restrictions should not be regarded as material planning considerations.
14. The presence of the hot food takeaway in the locality has highlighted a number of environmental concerns from the neighbouring residents. Cooking and waste smells, combined with the possibility of rubbish, would have a detrimental impact upon the neighbouring residents’ ability to enjoy their dwellings. This impact upon their amenity is contrary to policies CO12 and GDP1.
15. Anti-social behaviour has been well documented at the premises from its time as an Off Licence, and many objectors have raised concerns that this may return as a result of this application with more night time disturbance. Policy CO12 directs hot food uses into the commercial centres and local shopping centres in order to protect residential amenity.
16. Objectors have raised issues with regards the proposed opening hours, competition and impact on the value of their properties. It is indicated that the premises would close at 11pm through the week, in line with its current use. Both the amount of competition within a particular business sector and the impact of a development upon house prices are both not material planning considerations.
17. Concerns raised by Environmental Health are noted and would, if necessary, be governed by way of condition. However, due to the recommendation they have not been set out in the report.

18. The proposal is located within a predominately residential area and is therefore contrary to Policy CO12 of the Local Plan.

Recommendation

19. Refuse

The proposed hot food take away use would give rise to noise, litter and other general disturbance which would have a serious harmful effect on the living conditions of the occupiers of residential properties near the application site. The proposal is therefore contrary to Policy CO12 of the Derwentside District Local Plan.

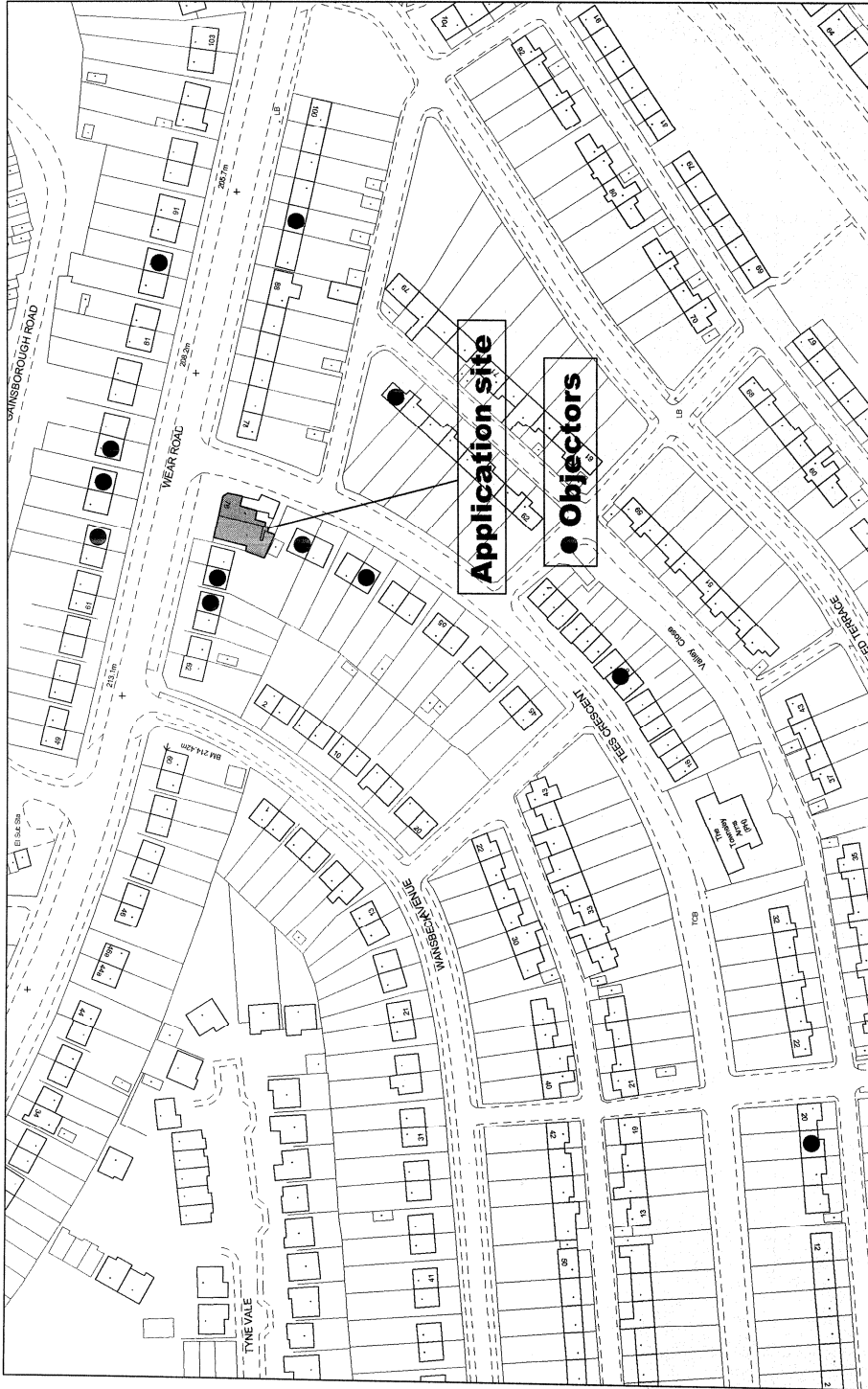
Reason for Refusal

20. The use would generate problems associated with noise, litter and give rise to other general disturbance within a residential area, and have a significant harmful effect on the quality of life for the people living nearby.

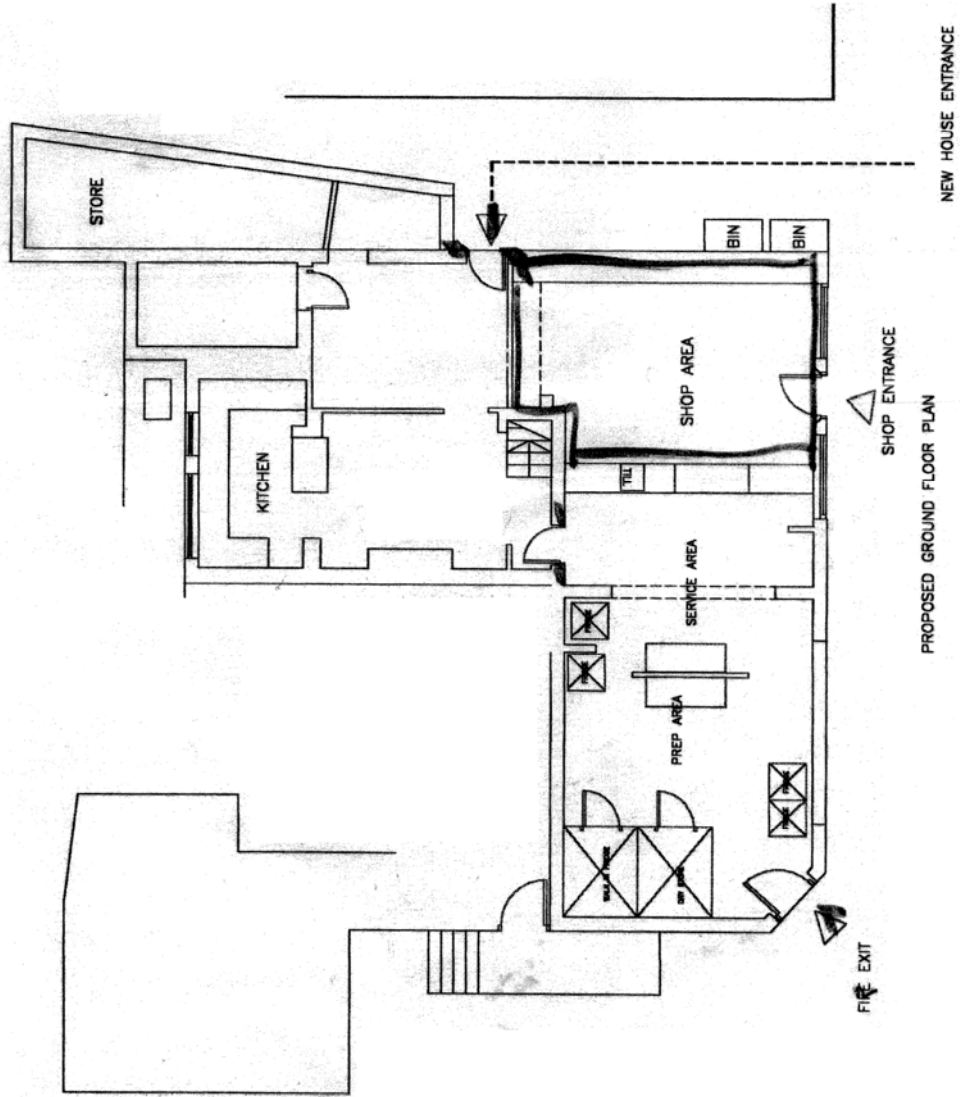
Report prepared by Graham Blakey, Area Planning Officer

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<p>SCALE: 1:1500 Crown Copyright Reserved</p>	<p>74-76 Wear Road Stanley</p>	<p>08/322</p>	<p><b>N</b></p>
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PROPOSED GROUND FLOOR PLAN

## RECOMMENDATION FOR REFUSAL

08/0319

24/04/08

Mr A Jones

Land to the west of  
55 Lintzford Road  
Hamsterley Mill

Provision of field gate  
vehicular access to woodland  
area

Ebchester & Medomsley Ward

### The Application

1. This application seeks Planning Permission for the provision of a vehicular access and the erection of a field gate on land used as woodland to the west of 55 Lintzford Road, Hamsterley Mill.
2. The access would be located 35m to the west of the garden of 55 Lintzford Road with a 160m sight line in the eastern direction and 120m sight line in the western direction. The draw in length of the access would be 10m with a gateway at the end of the draw in length. Post and wire fencing would be placed behind the sight lines. As a result of the need for adequate site lines, one protected Sycamore tree is proposed to be felled adjacent to the roadside.
3. The reason the access is being proposed by the applicant, is that when the landscaping for the garden of 55 Lintzford Road is complete the applicant will not be able to access the woodland for maintenance through their property. The applicants have also stated that they require the access as it is their intention to sell the property number 55 Lintzford Road and retain ownership of the woodland which would necessitate this separate access. A full rather than temporary access is proposed for maintenance as the applicants intend to keep livestock such as miniature horses on the land and would need to attend to them on a daily or more frequent basis.

### History

4. In 1987 permission was granted to fell and prune trees within TPO66 (reference: 1/1987/1071).
5. In 2005 consent was granted for the felling of twelve trees (TPO 66) (reference: 1/2005/0879).
6. A Certificate of Lawfulness for an extension to the garden curtilage was refused in 2006 (reference: 1/2006/0173).

7. A retrospective Planning application for the Change of Use of land from woodland to garden, and for the retention of a domestic dog kennel, was refused in 2007 (reference: 1/2007/0257). However approval was later granted on appeal.

### Policy

8. The following Policies of the adopted local plan are relevant in determining this application:

GDP1	General Development Principles
EN6	Development within Areas of High Landscape Value
EN11	Trees and development
TR02	Development and highway safety

### Consultations

9. County Highways Development Control Officer – notes that the A694 is a Principal County Road, well used by commuting traffic. He points out that whilst there are vehicular accesses from approximately 15 dwellings further east, fronting the A694 these are ‘historical’ having been in place for very many years. He states that this stretch of the A694 is semi-rural rather than urban with a 40mph speed limit, and at such roads, for highway safety reasons (i.e adverse visibility and/or where reversing manoeuvres are likely to introduce additional hazards), the Highway Authority normally seeks to resist new vehicular accesses from sites where an alternative access to the public highway network already exists.
10. In his opinion, bearing in mind the vehicular movements likely to be generated to and from the site, the Officer is not convinced there is a compelling case to warrant the creation of a new vehicular access onto the A694. He points out that maintenance of a woodland is commensurate with very infrequent visits from an Arboricultural Services provider and if the site is used to graze ponies that would be associated with no more than 4 separate vehicular tips per day, and only then if the owner of the dwelling at no 55 is different to the ponies’ owner.
11. It is considered that the likely traffic levels associated with the woodland will be very small, relative to other traffic.
12. The Officer disputes the claim in the Design and Access statement that the adopted roads within the estate are inadequate to cope with HGV traffic. However it is acknowledged that carriageway widths within the Tollgate Road estate are substandard which makes it difficult for anything other than two cars to pass in many places, and also that sight visibility from the A694 / High Hamsterley Road junction is substandard.
13. The Officer concludes that while the reasons for a new access are not convincing the acceptability or otherwise of the proposal rests upon (a)

sight visibility, and (b) potential for vehicles to turn within the site such that they may exit in forward gear. The Officer advises that the position of the site, and length of A694 frontage extent, is such that recommended visibility splays (in accordance with nearby recorded A694 vehicle speeds) are theoretically achievable. However, one existing tree in the applicant's ownership would have to be felled.

14. In his view whilst the case for a new access is weak (in terms of likely vehicle movements) at an appeal an Inspector would likely not focus on whether the access were warranted but on the merit of arguments submitted to justify its refusal. He considers much weight would be attached to the fact that sight visibility splays clearly superior to that available from the A694 Lintzford Road / High Hamsterley Road junction (that otherwise would have to be used to gain vehicular access) are theoretically achievable and that a vehicle could theoretically be turned round within the site to exit forward onto the main road. The Officer therefore considers that an objection to the principle of a new access here could be sustained, subject to matters of detail (sightlines, tree removal, correct verge width, increase in draw-in length) being resolved.
15. Durham County Council (Landscape Officer) – considers that the Sycamore tree is in a good state of health following a general arboricultural account of the tree health and form. It is considered that the tree may remain in an appropriate state for a further 15 – 40 years. The Officer recommends that the tree be retained and no work to the tree is required at the present time. It is also advised that soil should be thinned throughout the woodland so that depths are more equal.
16. Neighbours: local residents have been consulted and a site notice posted. A total of 10 letters / emails of objection have been received, whose concerns are as follows:
  - The proposed access is not justified for the purpose for which it is claimed to be necessary.
  - There are no more trees to be removed from the wood and any new trees the applicant plants will take many years to establish, so they will not need any maintenance for years to come. They question why is it necessary to now ask for a new access when the work is completed unless the applicant has more plans for the woods.
  - Direct vehicular access to the dangerous A694 has for safety reasons not been allowed for many years and there is no justification in making an exception in this case.
  - It is already difficult to enter / leave the entrance to the estate.
  - The application will set a precedent for other householders to require access to their properties.
  - If an access were established it would encourage an application for residential development.
  - The applicant already has full access from the adjacent property in the same ownership.
  - Should temporary plant access be required this can be achieved with a temporary permission or through a temporary highways works

licence. A permanent and dangerous access is not required.

- The information provided in the Design and Access statement is inadequate as it does not establish purpose and does not explain impact on the woodland, the effect of the turning area, construction material for the vehicular surface or boundary fencing and landscaping onto Lintzford Road.
- The length of the access into the site is inadequate for anything other than domestic scale vehicles, such as cars.
- The width of the access would not be sufficient to allow vehicles to safely turn in as there are no radii on the fence line. Furthermore the sight lines proposed are too small for an access from a highway in a 40 mile per hour speed limit.
- The arrangement proposed does not take into account the proximity of the adjacent bus stop.
- There is no turning area indicated within the site that would allow vehicles to exit directly onto the highway. The proposed arrangement is extremely dangerous and any turning circle would result in the loss of more trees in contravention of Policy EN6.
- There are insufficient details to indicate how the verge footpath on highway land will be altered and how the land between the footpath and the site line will be designed and managed as the site line of 2.4 metres is significantly greater than the current verge footpath. They question whether it is the applicant's intention to offer for adoption the resultant triangle of land to the Highway Authority and construct a new tarmac footpath to the adjacent bus stop linking from the footpath in front of the applicant's property.
- Boundary treatment (post and wire fencing and timber gate) is not appropriate without details and no boundary landscape specification is provided.
- The application form states that there is no adverse affect on biodiversity and landscape which is clearly incorrect in light of the significant designation of the area in the planning policy.
- The proposed sight line (of 2.4m x 90m) is appreciably deeper than the existing verge / path along the edge of the highway linking the footpath outside Mr Jones's property to the bus stop, which is not shown, despite being within the sightline, which appears to extend the 'slip road' for the turn from Lintzford Road to the Medomsley Road. Even with the proposed sight lines, an entrance / exist in close proximity to the bus stop and the major junction with the Medomsley Road would be an unwelcome hazard, especially since traffic rarely complies with the 40mph speed limit.
- The amount of traffic on this road has increased ten fold since they moved there 16 years ago and there has been a number of accidents on this stretch of road, one as recently as May 2008 including fatalities, one outside the entrance of the estate and one further down the road.
- The area is a woodland area and as such should only have trees in that area.

### Officer Assessment

17. The main issues to consider for this application are; impacts upon neighbouring residential amenity, the landscape, protected trees and highway safety.
18. Local Plan Policy GDP1 seeks to ensure that neighbouring occupiers and land users are protected from harmful development. The closest neighbours to this piece of land are 22 Tollgate Road to the east and 31 and 33 Tollgate Road to the south. A proposal such as this could have implications for their amenity in terms of noise nuisance from vehicles and persons coming and going on to this land. However, it not considered that impacts in terms of noise and disturbance would be significant given that the vehicle movements associated with the maintenance of woodland or care of livestock would not be high. Furthermore it is not considered appropriate to refuse the application on such grounds given that the applicant could create an alternative access from Tollgate Road which is an estate road without the need for Planning Permission which would be closer to these properties than the access proposed.
19. It is acknowledged that a number of local residents are concerned about the future development of the land, however an applicant's motives for development cannot be considered material planning considerations and were further development of this land proposed in the future that would be considered on its own merits under a separate planning application.
20. The site is located within an Area of High Landscape Value which means that in accordance with Policy EN6 special care and attention needs to be given to the siting and design of developments and the context of landscaping proposals. The site is also covered by a group Tree Preservation Order that covers the whole of the Hamsterley Mill Estate. Local Plan Policy EN11 restricts development which would result in the loss of trees protected by Tree Preservation Orders. The introduction of a new access into this area of woodland in itself would not detract from this Area of High Landscape Value, however the creation of the access would necessitate the removal of a mature Sycamore tree which is healthy and which adds to the character of this Area of High Landscape Value. It is agreed with the County Landscape Officer that this tree should be retained. It is therefore considered that the proposal does not accord with policies EN6 or EN11 of the local development plan.
21. Objectors have commented that boundary treatment with post and wire fencing is not appropriate in this Area of High Landscape Value. It is considered that post and wire fencing is appropriate at this site, as it would match existing post and wire fencing in the vicinity and as it allows views through to the woodland.
22. All new accesses should be clearly defined and safe with adequate vehicle manoeuvring and turning space. Originally the proposed access

was not of an acceptable standard as inadequate sight lines and draw in from Lintzford Road were proposed. However, the applicant has amended these details and proposed the removal of a Sycamore tree to achieve adequate visibility and to allow vehicles to access the site safely. With these revisions it is agreed with the Highways Officer that given the relatively small number of vehicles that would visit the site, and that the access would be superior to the existing Hamsterley Mill Estate access, this new access would be acceptable in terms of highway safety.

23. The Objector's comments in relation to the setting of precedent for further accesses to be proposed onto Lintzford Road from roadside dwellings have been considered. However, it is not considered that this application would set an unwelcome precedent as adequate sight visibility could not be achieved at any of these properties. Therefore such applications are likely to be refused.
24. To conclude, this proposal whilst being acceptable in terms of amenity and highway safety would lead to a loss of an important protected tree which would be contrary to Local Plan Policies EN6 and EN11 and therefore this application is not acceptable.

#### Recommendation

25. Refuse

#### Reason for Refusal

26. As a result of this proposal a protected tree that is both healthy and of importance to the visual amenity of the area would be lost, the proposal is therefore considered to be unacceptable and contrary to Local Plan Policies EN6 and EN11.

Report prepared by Louisa Ollivere, Area Planning Officer

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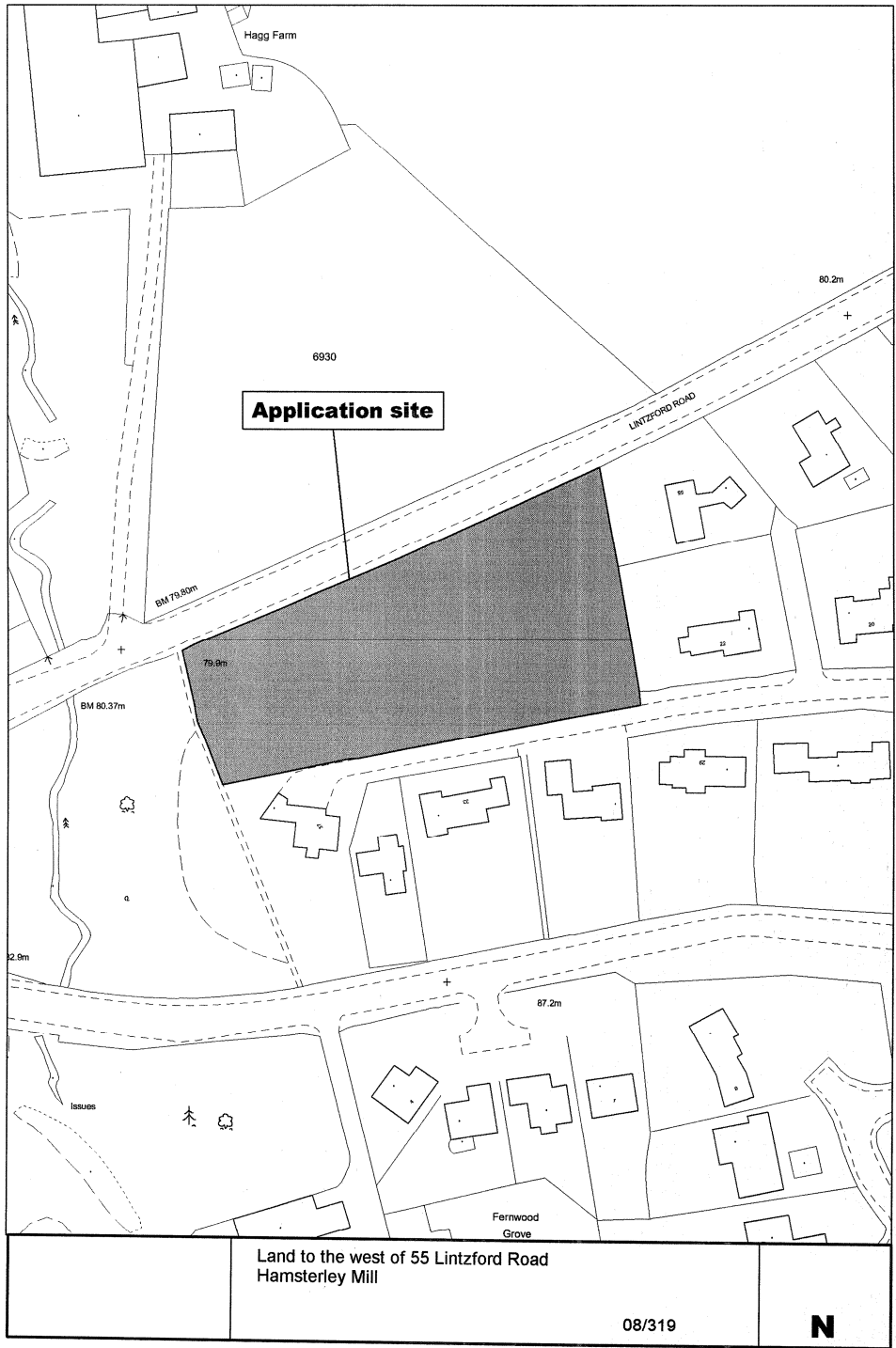


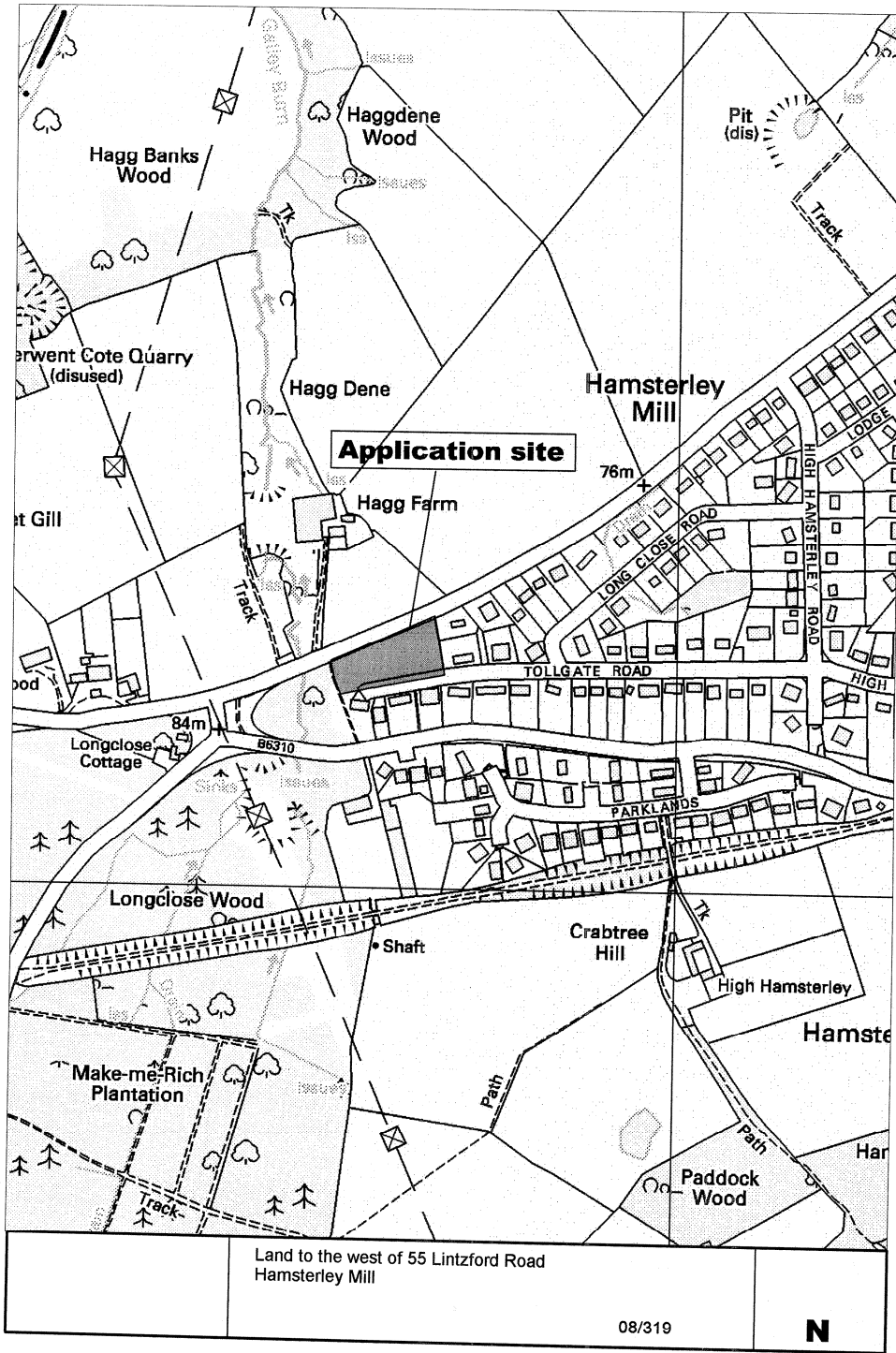


Land to the west of 55 Lintzford Road  
Hamsterley Mill

08/319

**N**





## RECOMMENDATION FOR APPROVAL

08/0377

14/05/08

Mr McMahon

118 Westfields, Stanley,  
County Durham, DH9 7DF

Conservatory to rear

South Moor

### The Application

1. This application seeks Planning Permission for the erection of a conservatory to the rear of 118 Westfields, a terraced property in Stanley. Under the delegated powers scheme this application needs to be determined by the Development Control Committee as the applicant is a Member of the Council.
2. The conservatory would project 3 metres from the property and measure 3 metres in width and 3.25 metres to the ridge of the roof. There would be a wall constructed along the length of the boundary with 119 Westfields up to the height of the upper windows (approximately 2 metres in height), and a dwarf wall used for the rest of the construction.
3. The conservatory would use white uPVC frames and matching brickwork to that of the original dwelling.

### History

4. None relevant.

### Policy

5. The following Policies of the adopted local plan are relevant in determining this application:

GDP1	GDP1 - General Development Principles
HO19	Extensions and alterations to existing dwellings
SPG2	House Extensions

### Consultations

6. Northumbrian Water – No objections received.
7. Neighbours have been consulted and one objection was received.

However, at the time of writing this report the objector has withdrawn the objection. They did raise issues regarding loss of light, and therefore amenity, into the principal window of the neighbouring property.

#### Officer Assessment

8. The proposed conservatory is located just 100mm away from the boundary with 119 Westfields, and projects 3 metres from the dwelling in accordance with SPG2 guidelines.
9. The proximity of the conservatory with the boundary would preclude the inclusion of a condition to insert obscured glazing to the boundary with 119 Westfields, and where applicable this will be the case. The wall to be constructed on the boundary with 119 Westfields would protect the neighbours' privacy.
10. The size of the conservatory respects both the scale of the original dwelling and also its position upon the rear elevation of the dwelling. All materials would match those of the original dwelling in accordance with policy HO19. A number of conservatories have been granted approved within the vicinity.
11. The proposed conservatory is therefore considered to be acceptable and in accordance with Policy HO19 of the District Local Plan and SPG2.

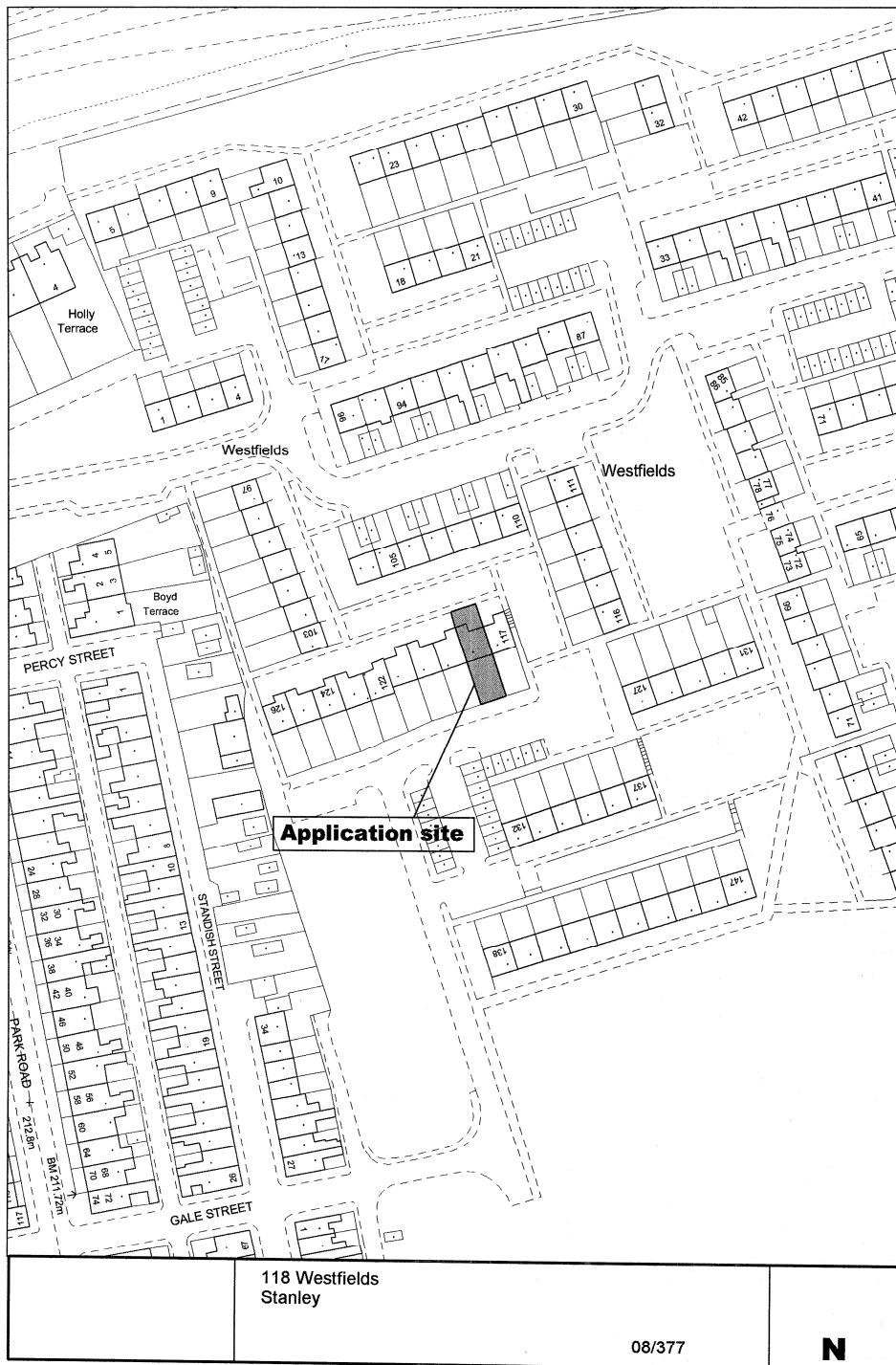
#### Recommendation

12. Conditional Permission
  - Standard time limit (ST)
  - Approved plans (ST01)
  - House extension materials (DH05)

#### Reason for Approval

13. The proposed conservatory is considered to comply with Policy HO19 of the District Local Plan and Supplementary Guidance Note No. 2 on House Extensions and there are no other material considerations which outweigh the decision to approve the application.

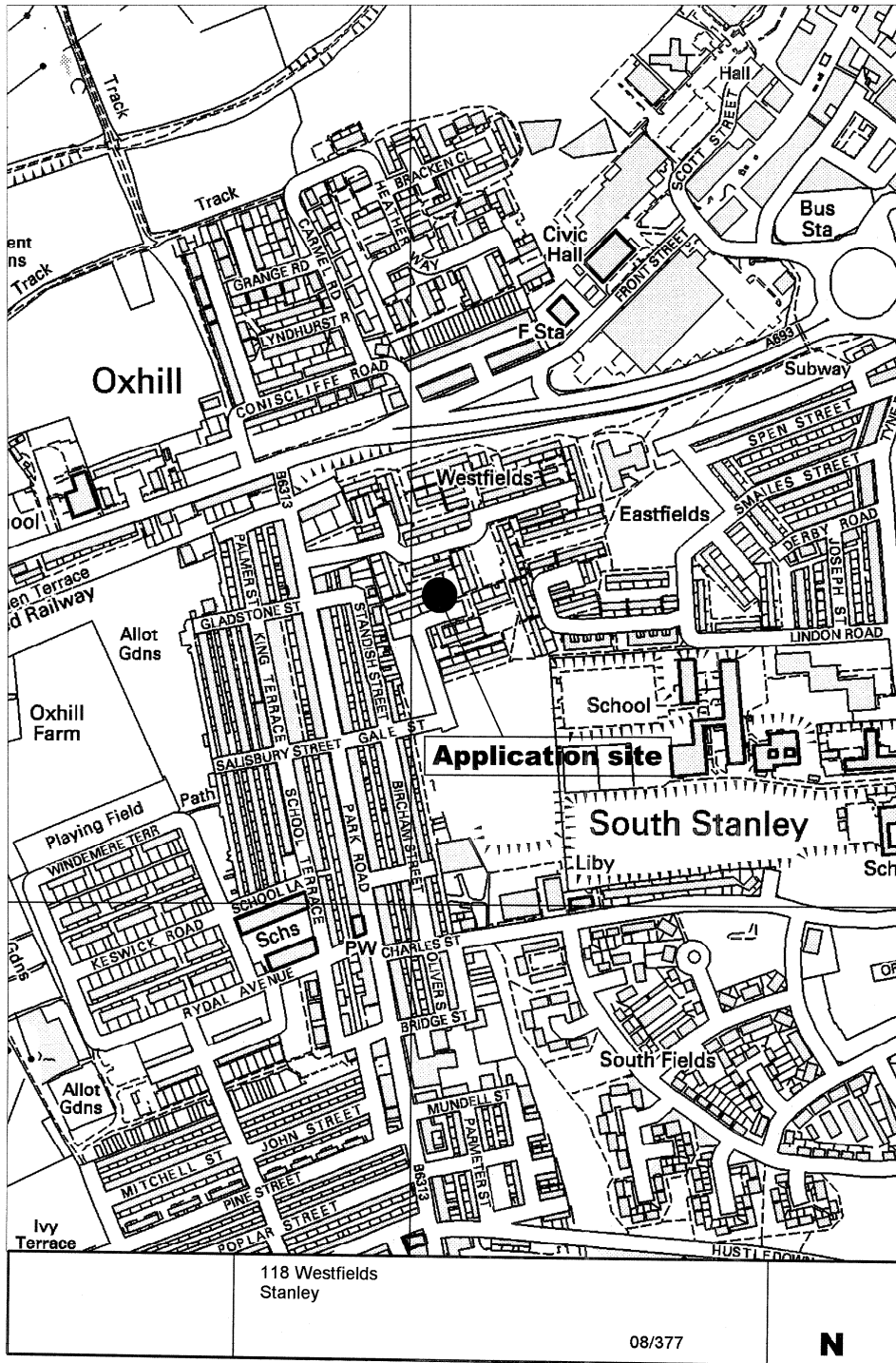
Report prepared by Graham Blakey, Area Planning Officer



118 Westfields  
Stanley

08/377

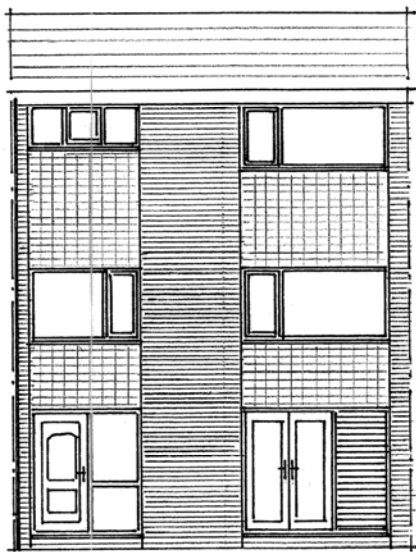
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118 Westfields  
Stanley

08/377

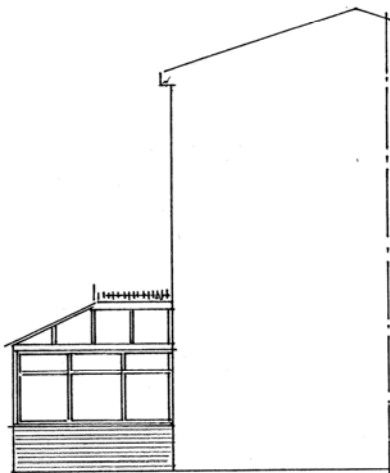
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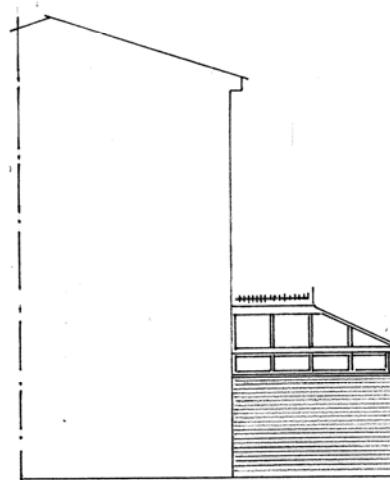
EXISTING REAR ELEVATION



PROPOSED REAR ELEVATION



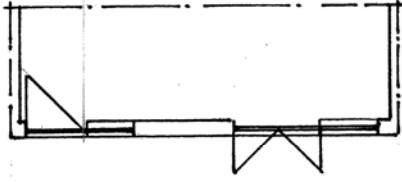
PROPOSED SIDE ELEVATION



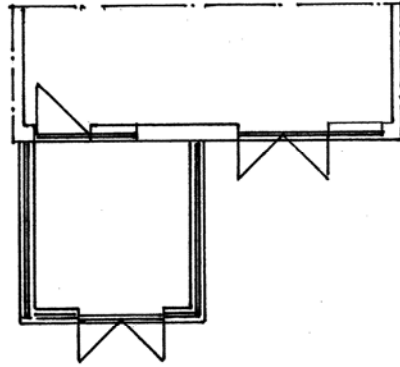
PROPOSED SIDE ELEVATION

118 Wesfields, Stanley. 08/377





EXISTING PLAN



PROPOSED PLAN

118 Westfields, Stanley. 08/377

## RECOMMENDATION FOR APPROVAL

08/0252

08/04/08

Mrs J Moody

10A & 10B  
Queens Road  
Blackhill  
County Durham

Demolish existing surgery and  
erection of four houses and  
conversion of first floor of  
pharmacy to one apartment

Blackhill Ward

### The Application

1. Planning Permission is sought for the erection of four, three storey dwellings and the conversion of the first floor of a Pharmacy to an apartment with a further storey above, at the former Blackhill Doctor's Surgery, Queen's Road, Blackhill.
2. The site is within a largely residential area with pre-war, three storey terraced residential properties to the south and north, and two storey terraced properties to the west. Queen's Road, which is a busy main road from Blackhill to Shotley Bridge, lies to the east of the site.
3. The proposed dwellings would be terraced, 4 bed properties and the proposed adjacent apartment above the Pharmacy would be a 3 bed property. The development has been designed to give an external appearance of five, three storey terraced properties with the apartment adjoining number 10 Queen's Road. The new properties would be set back to follow the building line of Queen's Road to the South. To the rear the building line would project 0.5m past the building line of Queen's Road properties. The roofline would be 0.3m lower than the roofline of Queens Road. The front of the building would face onto Queen's Road with parking and bin storage to the rear.
4. Materials proposed for construction would be stone with slate for the roof. The development would incorporate windows in the front, rear and side elevation. Traditional design features such as bay windows, dormer windows, cills and lintels and quoins have been incorporated into the design.
5. A total of nine parking spaces are proposed for the development. Vehicular access would be taken from the rear of Queen's Road.

## History

6. In 1974 an application for the conversion of the Surgery to a dwelling was refused (reference: 1/1974/0049).
7. Planning Permission was granted in 1980 for the Change of Use from a doctor's surgery to a photographers (reference: 1/1980/0460).
8. Planning Permission was granted for an entrance porch in 1990 (reference: 1/1990/0355).
9. In 1992 Planning Permission was granted for an extension to the existing Surgery (reference: 1/1992/0323).
10. An application for a car park for twenty cars was refused in 1995 (reference: 1/1995/0049).
11. An application for a car park for fourteen cars was approved in 1995 (reference: 1/1995/0813).
12. In 1996 Planning Permission was granted for a covered pram shelter / porch extension (reference: 1/1996/0107).

## Policy

13. The following Policies of the adopted local plan are relevant in determining this application:

GDP1	General Development Principles
HO5	Development on small sites
TR2	Development and Highway Safety.

## Consultations

14. County Highways Development Control Officer – notes that there are nine car parking spaces for the proposed dwellings and proposed commercial use at 10a. The Officer has assessed the parking provision by referring to national research published in May 2007 by the Department for Communities and Local Government entitled 'Residential Car Parking Research'. This research contrasts car ownership levels at dwelling types (flats versus houses), tenure (rented or owner occupied) and size (no. of rooms etc). It is confirmed that the research based total parking requirement, assuming owner occupation of the properties (which is associated with high levels of ownership), would be 8 no. for the dwellings assuming one space is allocated to each of the dwellings. The actual figure being a requirement of 7.12 spaces which has been rounded up to 8.
15. Other factors the Highways Officer has pointed out in the development's favour is the fact that the proposed spaces are hardstanding (i.e not garages that could be used for storage). The site is close to bus stops

and an on-highway parking area is to the front, on Queen's Road.

16. The Highways Officer considers that given that the average parking proposed is 1.5 (when all 6 units are considered) or 1.6 per dwelling, assuming eight of the nine parking spaces are for the use of the dwellings under either measure and taking on board the above point, that a highways refusal based on parking provision is unlikely to be sustained.
17. It is pointed out by the Highways Officer that as the rear of the site scales off at 26.4m long, that an additional parking space could be easily accommodated in a revised plan. It is advised that the 5.8m depth of parking bays is retained given that it must also accommodate refuse bin storage next to the dwellings.
18. County Council Design and Conservation Officer – Considers that overall the design concept replicates the rest of the road but the detail falls short. It is pointed out that the houses along the rest of the street have very strong architectural features and whilst it is recognised that the form has been replicated, it is considered that the detailing especially of the windows is weak. The apartment is thought to be well scaled, however the four town houses are thought to appear squashed with the first floor windows well below eaves level.
19. Otherwise, the Officer considers that the layout with the low stone wall to the front is good, materials are good and the use is appropriate.
20. In response to the Design and Conservation Officer's comments the applicants have submitted more detailed and revised plans. The Design and Conservation Officer's further views are awaited.
21. Northumbrian Water – has no objections to the proposed development.
22. Durham Bat Group – have confirmed that there is no risk of use by bats or barn owls.
23. Environmental Health – have not commented to date (consulted 28<sup>th</sup> May 2008).
24. Neighbours have been consulted and a site notice posted. One letter and one email of objection, and one letter of support has been received. The objections raise the following issues:
  - Height of the buildings compared to the whole terrace.
  - Safety issue with single access.
  - The parking across the road should not be counted, as the Council owns it and the public have full public access.
  - Other housing developments in the area remain unoccupied and attract minor vandalism. The same could happen on this site.
  - This area lacks small play schemes for children, a small play area should be constructed instead.

- The local scout / cub group need a centre, the buildings should be leased at an economic rate for them, or indeed for community education which would help tackle anti-social behaviour within this area of Blackhill.
- There is sufficient housing development proposed in this area with the recent plans for the Pimpernell Site.

The letter of support states the following:

- Other uses were actively sought for the old Surgery but there were no offers of interest.
- This is an ideal opportunity to remove an unattractive building that is not suitable for conversion and establish attractive housing that is in keeping with the rest of the properties along Queen's Road.
- When the Surgery operated from 10b Queens Road there were considerable parking problems in the area and if this were to become housing this would not be the issue, especially if the new owners can continue to rent the car park opposite the site.

#### Officer Assessment

25. The main issues to consider in relation to this application are whether the development of this site for residential purposes is acceptable in principle; whether there would be a detrimental impact upon residential amenity, and whether the layout, scale, design, access, parking and protection measures for protected species are satisfactory.

#### The Principle of the Development

26. Under current Government Guidance, as outlined in PPS3 'Housing', the application site represents the type of site on which new residential development is to be encouraged i.e. previously developed land within urban areas which should be viewed in preference to Greenfield sites. The site is a previously developed 'Brownfield site' within a settlement and would be considered a windfall site in light of the advice contained within both PPS3 and Policy HO5 of the Local Plan.
27. The preamble to Policy HO5 'Development on small sites' states that new housing should be built in sustainable locations where people have easy access to a whole range of facilities. The development of the site for residential purposes is therefore considered to be acceptable in principle.

#### Neighbouring amenity

28. On small sites such as this, Local Plan Policies HO5 and GDP1 only allow development where adequate space would remain between existing and proposed buildings so as not to cause loss of amenity to neighbouring properties or a lack of amenity for the proposed properties in terms of privacy, daylight or outlook.

29. The main neighbouring land users that would be affected by the development are the owner and occupier of 10 Queen's Road adjacent to the site (the former Queen's Road Therapy Centre) and the occupier of 11 Queen's Road which lies over the road. The new building would adjoin 10 Queen's Road the former Therapy Centre which currently lies vacant. This would mean that a second floor side window would be blocked up as a result of this development which would result in a loss of light and outlook for that property. However the existing occupiers of 10 Queen's Road have not objected to the development.
30. Whilst neither the owner or occupier of number 10 have objected it is still pertinent to assess whether the loss of this window would be detrimental to the amenity of a future occupier of these premises. Number 10 Queen's Road currently lies vacant but is however under a long lease by Derwentside Primary Care Trust. It is envisaged by the current leasee that they will re-occupy this building in some form in the near future. Although the future occupiers would inevitably suffer loss of light and outlook from this room it is not considered to be of a level that would be unsatisfactory given that the Use Class of the building is a non-residential institution where light and outlook requirements are less important than is the case for residential properties. With regard to 'right to light', Members should be aware that this is a matter of Property law, rather than Planning law and if the owners of 10 Queen's Road were aggrieved they could pursue a legal remedy.
31. The Council has historically recommended that there should be a distance of no less than 12.5m between the main window of a habitable room and a gable elevation of an adjacent dwelling. The gable end of the new development which incorporates windows would be a distance of 11.7m to the closest windows of 11 Queen's Road. It is recognised that this distances falls slightly short of the guidance of 12.5m. However, this is a minor shortfall and not significant given that the gable end windows of the new development are only landing windows and as the residents of 11 Queen's Road will be accustomed to looking out onto the gable end of the existing Doctor's Surgery from their property.
32. Members will be aware that the car park site at the rear of this site is a potential housing development site that is currently subject to a Planning Appeal. Generally where proposals face onto the edge of a development site there should be a distance of 10.5 between the rear of the proposed buildings and the edge of the development. There would remain a distance of 12m between the rear of the proposed housing and the site at the rear which would avoid sterilisation of that site.
33. Another amenity issue that should be considered is noise and disturbance to neighbouring properties from the comings and goings of the residents of the new properties. It is not considered that the levels of noise and disturbance associated with this new development would be significantly greater than that of the previous use of this site as a busy Doctors Surgery.

34. The Objector's comments in relation issues such as vandalism are noted, however these are matters for the Police to control. It is noted that objectors would prefer the site be put to community use, however it would not be reasonable to refuse an application on such grounds. It is recognised that there are already other housing sites in the vicinity of the proposal, however the need for housing is not a significant issue in this instance given that this is exactly the type of site where new housing should be directed to.

#### Design Issues

35. Local Plan Policy HO5 states that housing development on small sites should only be permitted where the development is appropriate to the existing pattern and form of the development in the settlement. In considering this is it necessary to look at density, layout, scale and design.
36. In terms of design any housing development should respect the character of the existing residential buildings of the area, as well as the scale and the height of the existing dwellings so as not to appear out of keeping. This area is characterised by large, two and three storey stone terraced properties with strong architectural features such as dormer windows and large bay windows. Whilst the proposal is for four houses, an apartment and Pharmacy the proposal has been designed to appear as five terraced properties with parking and bin storage at the rear. The proposed buildings would be similar in size, height and design to the stone terraced properties of the area. It is considered that the design is sympathetic to the area with the incorporation of matching features such as bay windows, dormer windows, cills and lintels, mullions, quoins, front stone walls and the use of traditional building materials such as stone and slate.
37. Adequate landscaping should normally be incorporated in the design and layout of new housing sites. This is a compact site, with limited space for parking. However, the applicants have proposed some landscaping at the front of the dwellings to blend in with the rest of Queen's Road which have small landscaped areas to the front.

#### Parking and Highway Safety

38. Local Plan Policy TR2 seeks to ensure that all development incorporates satisfactory and safe parking and access. The scheme proposes a total of nine car parking spaces for the site which equates to 1.5 (when all 6 units are considered) or 1.6 per dwelling and it is agreed with the Highways Officer that this level of parking is sufficient for this development given its conformity with the guidelines contained in 'Residential Car Paring Research' 2007 by the Department for Communities and Local Government and bearing in mind the close proximity to sustainable transport. It is therefore not considered that the

proposal would lead to an increase in on-street parking to the detriment of highway safety.

#### Protected species

39. As the proposal involves the demolition of a building, to comply with the requirements of Local Plan Policy GDP1 it is important to assess whether there would be an impact upon protected species. The applicants have submitted a Bat and Barn Owl Survey in support of the application which has identified that it is unlikely that the existing building would ever be used by bats in a significant way and casual use by bats is unlikely. It also concludes that the building is completely unsuitable for use by Barn Owls. Nonetheless in order to completely avoid the possibility of damage to any bats and to ensure the long-term security of the local bat population it is considered appropriate to attach a condition to ensure that the development is carried out in accordance with the mitigation measures advised in the bat and barn owl survey. With such a condition it is considered that this development would fully comply with one of the aims of Local Plan Policy GDP1.
40. In conclusion, the principle of the residential development of the site is considered to be acceptable, as a previously used site within the existing built up area. It is not considered that the proposal would be significantly detrimental to neighbouring amenity or that it would detract from the visual amenity of the area. The parking provision is considered to be of a level that would not increase on-street parking within the area. The development would not have a detrimental impact upon protected species. On balance therefore it is considered that the proposal accords with Policies GDP1, HO5 and TR2 of the District Local Plan and the proposal is therefore acceptable.
41. Conditional Permission
- Time Limit (ST)
  - Approved plans (ST01)
  - This permission relates to the application as amended by plans and letter dated 20<sup>th</sup> June 2008 received on 23<sup>rd</sup> June 2008  
Reason: In order to define the consent
  - Samples of external materials (A03)
  - Test panel of materials (A06)
  - Stone masonry (A08)
  - Sills and lintels (A09)
  - Window insert (A12)
  - Rainwater goods (A13)
  - Sewage works (D03)
  - Surface water drainage works (D04)
  - Permitted Development Rights Removed (PD01)
  - The parking and access shown on the approved plans shall be provided before the building hereby permitted is occupied.  
Subsequently the area so indicated shall be used for no other



purpose without the prior written consent of the Local Planning Authority

Reason: In the interest of highway safety in accordance with Policy TR2 of the Local Plan

- The development shall be carried out in accordance with mitigation measures detailed in 'Bat and Barn Owl Survey of Queen's Road Surgery, Consett, County Durham' by Durham Bat Group dated 26<sup>th</sup> May 2008

Reason: In the interests of protecting protected species in accordance with Local Plan Policy GDP1 of the Local Plan

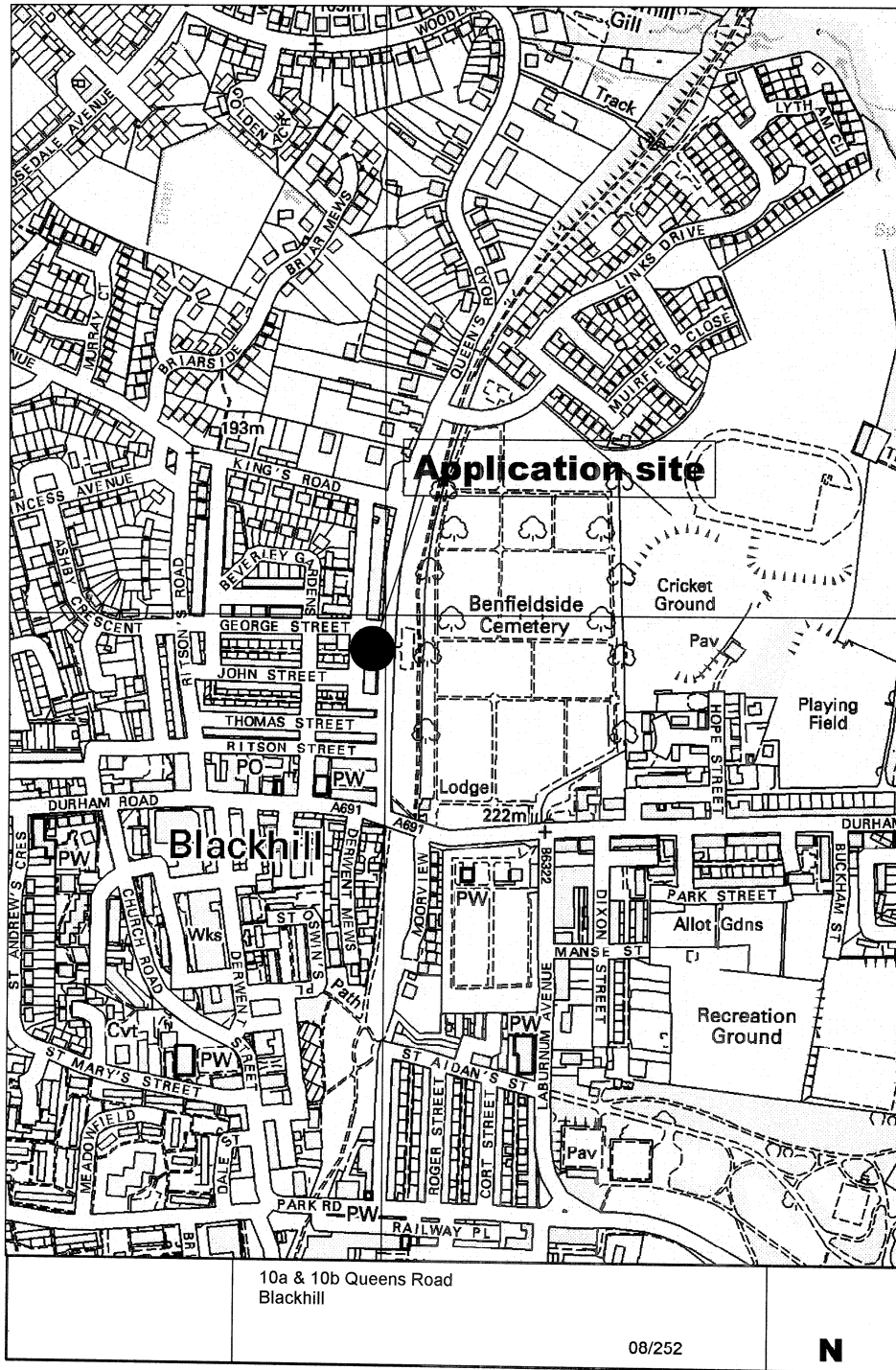
#### Reason for Approval

42. The decision to grant Planning Permission has been taken having regard to Policies GDP1, HO5 and TR2 of the Derwentside Local Plan and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority the principle of the development, amenity and protected species impacts, design and parking are considered on balance to be acceptable and the material considerations do not outweigh the decision to grant permission.

Report prepared by Louisa Ollivere, Area Planning Officer

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N° 10.

EXISTING ELEVATION TO QUEENS ROAD



PROPOSED ELEVATION TO QUEENS ROAD

10a & 10b Queens Road, Blackhill. 08/252

## **DEVELOPMENT CONTROL COMMITTEE**

**10<sup>th</sup> July 2008**

### **APPENDIX – DISTRICT LOCAL PLAN POLICIES**

The following local plan policies have been referred to in report contained in this Agenda:

#### **Policy GDP1**

When considering proposals for new development, the Council will not only assess each application against the policies in the following chapters, but will also expect, where appropriate, the following measures to have been incorporated within each scheme:

- (a) a high standard of design which is in keeping with the character and appearance of the area. The form, mass, layout, density and materials should be appropriate to the site's location, and should take into account the site's natural and built features;
- (b) designed and located to conserve energy and be energy efficient;
- (c) protection of existing landscape, natural and historic features;
- (d) protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981, no harmful impact on the ecology of the District and promotion of public access to, and the management and enhancement of, identified nature conservation sites;
- (e) the protection of open land which is recognised for its amenity value or the contribution its character makes to an area;
- (f) the provision of adequate landscaping within the design and layout of the site and where appropriate creation of wildlife habitats reflecting the semi-natural vegetation of the surrounding area and using native species wherever possible;
- (g) designed and located to deter crime and increase personal safety;
- (h) protection of the amenities of neighbouring occupiers and land users;
- (i) adequate provision for surface water drainage;
- (j) protection of areas liable to flood from development;
- (k) protection of ground water resources and their use from development.

## **Policy EN6**

**In the following areas of high landscape value development will be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals:**

**Beamish and Causey  
Browney and Smallhope Burn Valleys  
Hownsgill  
Lower Derwent and Pont Valleys  
Middle Derwent Valley  
Ushaw College  
Beggarside and Knitsley Burn Valleys  
Hedleyhope Fell and Hedleyhope Burn  
Newhouse Burn  
North Langley  
Pan Burn  
Whiteside Burn**

## **Policy EN11**

**Development will only be permitted which will not cause harm to, or result in the loss of:**

- (a) trees protected by preservation orders; or**
- (b) trees which contribute to the character and appearance of conservation areas.**

**Throughout the District existing trees should be retained and incorporated in new developments where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, either on the site itself or on adjacent sites, which do, or which when mature will, contribute significantly to any of the following:**

- (a) the landscape diversity**
- (b) the setting of nearby existing or proposed buildings**
- (c) a wildlife habitat**
- (d) visual amenity**

**This will be achieved by requiring the developer to provide a full tree survey to enable the trees to be graded according to their condition and amenity value.**

**Where the loss of an important tree or trees is considered acceptable, approval will be subject to a requirement that suitable replacement planting be carried out either within the application site or on related land within the applicant's control.**

## **Policy HO5**

**Housing development on small sites will only be permitted in the settlements listed below, where the development:**

- (a) is appropriate to the existing pattern and form of development in the settlement; and**
- (b) does not extend beyond the existing built up area of the settlement; and**
- (c) represents acceptable backland or tandem development; and**
- (d) does not exceed 0.4 hectares in size if taken together with an adjoining site.**

**Annfield Plain (Including Catchgate And West Kyo)**

**Blackhill**

**Burnhope**

**Burnopfield**

**Castleside**

**Consett**

**Cornsay Colliery**

**Craghead**

**Crookgate**

**Delves Lane (Including Crookhall)**

**Dipton (Including Flinthill)**

**Ebchester**

**Esh**

**Esh Winning**

**Greencroft**

**Hamsterley (Including Low Westwood)**

**Hamsterley Mill**

**Harelaw**

**Hobson (Including Pickering Nook)**

**Iveston**

**Lanchester**

**Langley Park**

**Leadgate**

**Maiden Law**

**Medomsley**

**Moorside**

**New Kyo**

**No Place**

**Oxhill**

**Quaking Houses**

**Quebec**

**Satley**

**Shotley Bridge**

**Stanley (Including Shield Row)**

**Tanfield**

**Tanfield Lea (Including Broomhill)**

Tantobie  
The Dene  
The Grove  
The Middles  
South Moor (Including Oxhill)  
White-Le-Head

**Policy HO19**

Planning permission will only be granted for the extension or alteration of a dwelling if the proposal:

- (a) reflects the character of the original dwelling and its surroundings; and
- (b) respects the scale of the original dwelling; and
- (c) incorporates pitched roofs wherever possible; and
- (d) specifies materials to match those of the existing dwelling; and
- (e) does not result in an unacceptable loss of privacy and/or amenity to neighbouring occupiers; and
- (f) does not result in the loss of off-street car parking space such that the level of provision is reduced to below the minimum requirements.

**Policy CO12**

Planning permission will only be granted for hot food uses in the following locations:

**Within town centres if:**

- (a) premises are not located close to concentrations of residential property; and
- (b) premises are not located adjacent to parking restrictions.

**Within mixed use areas or local shopping centres if:**

- a) there would be no harmful effect on the living conditions of nearby residents from noise and disturbance or smells and odours: and
- (b) premises are not located adjacent to parking restrictions.

Such uses will only be considered appropriate if:

- (a) satisfactory opening hours are proposed; and
- (b) satisfactory details of the fume extraction equipment including its siting have been submitted and agreed; and
- (c) an approved scheme for the collection and disposal of litter can be effectively implemented and retained; and
- (d) satisfactory trade refuse facilities are available.



**Hot food uses are considered to be unacceptable in premises which are both located amidst dwellings and are isolated from other non-residential uses.**

**Policy TR2**

**Planning permission for development will only be granted where the applicant can satisfy the Council that the scheme incorporates, where necessary:**

- (a) a clearly defined and safe vehicle access and exit; and**
- (b) adequate provision for service vehicles; and**
- (c) adequate vehicle manoeuvring, turning and parking space; and**
- (d) effective access at all times for emergency vehicles; and**
- (e) satisfactory access to the public transport network; and**
- (f) a satisfactory access onto the adopted road network.**

**Planning permission will only be granted if the proposal also complies with the car parking standards in Appendix D.**